

TESTIMONY BY:

JADE T. BUTAY
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**STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION**
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

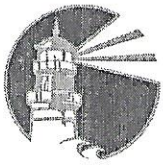
Wednesday, April 10, 2019
10:30 A.M.
State Capitol, Room 423

**S.C.R. 133, S.D. 1
REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF
TRANSPORTATION TO INFORM THE MARITIME COMMUNITY OF
THE PROCEDURES TO BE TAKEN IN PREPARATION OF A STORM
AND ASSIST THE MARITIME COMMUNITY WITH SUBMITTING
THEIR APPLICATION FOR A MARITIME HEAVY WEATHER AND
HURRICANE PLAN.**

House Committee on Transportation

The Department of Transportation, Harbors Division **supports** the intent of these resolutions. Furthermore, the Harbors Division is committed to educating the maritime community about preparing for storm weather conditions and will be conducting briefings on storm preparations and procedures on the islands of Hawai'i, Kauai, Maui and Oahu.

Thank you for the opportunity to provide testimony.



COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair

Rep. Troy N. Hashimoto, Vice Chair

Rep. Tom Brower

Rep. Scot Z. Matayoshi

Rep. Ty J.K. Cullen

Rep. Justin H. Woodson

Rep. Mark J. Hashem

Rep. Bob McDermott

NOTICE OF HEARING

DATE: Wednesday, April 10, 2019

TIME: 10:30 am

PLACE: Conference Room 423

TESTIMONY OF THE OCEAN TOURISM COALITION IN STRONG SUPPORT OF SCR133, SD1 RELATING TO MARITIME HEAVY WEATHER ACCESS TO HARBORS

Aloha Chair Aquino, Vice Chair Hashimoto and Members of the TRN Committee:

My name is Jim Coon, President of the Ocean Tourism Coalition (OTC), Speaking in Strong Support of SCR 133, SD1 Relating to Maritime Heavy Weather Access to Harbors.

The OTC is a Statewide Coalition of about 300 Commercial Boating Companies operating out of the Harbors of the State. Most of these vessels are less than 65' in length and less than 100 tons. They are all USCG Certified and permitted by DLNR/DOBOR to carry passengers for hire. Most of these small vessels are berthed in Small Boat Harbors and do not need to seek refuge in State Commercial Harbors. However there are exceptions to this and those vessels that are either moored outside harbors or moored at an exposed location must have temporary access to a Harbor of Safe Refuge.

Across the United States and around the world, it is standard procedure for passenger vessel operators to move their vessels into a Harbor of Safe Refuge whenever Extreme Weather conditions warrant it. We are dismayed by a policy change that was abruptly put into place in Hawaii last year that appears for the first time to preclude small passenger vessels from seeking refuge in commercial harbors under the jurisdiction of the Department of Transportation. (Note: DOBOR Harbors continued their long standing practice during extreme weather conditions to allow vessels moored outside of harbors to seek temporary refuge in DOBOR Harbors.)

This Resolution would encourage DOT-Harbors re-establish a policy and procedures that protects Hawaii's Passenger Vessels when hurricanes and other extreme weather conditions threaten Hawaii.

Our fleet of relatively smaller passenger vessels, while designed to operate in Hawaiian waters in normal wind and sea conditions, do not have the seakeeping characteristics of much larger ships needed to endure this type of extreme weather in the open sea. To force these smaller vessels out of sheltered State Harbors would seriously jeopardize the safety of the vessels and create life threatening conditions for all the crew. (And the USCG that would be risking their lives to try to save them). In fact it would be, in our opinion, criminally negligent in send vessels and crew into harm's way in such circumstances.

Please pass this vital language in SCR 133, SD1 that provides a mechanism for protecting our smaller passenger vessels and our hard working crews giving them temporary access to DOT Harbors of Safe Refuge when Extreme Weather Conditions are imminent.

Sincerely,

A handwritten signature in blue ink, appearing to read "James E. Coon", written over a large, hand-drawn oval.

James E. Coon, President
Ocean Tourism Coalition

SCR-133-SD-1

Submitted on: 4/8/2019 3:59:13 PM

Testimony for TRN on 4/10/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brennan Henders	Maui Classic Charters	Support	No

Comments:

SCR-133-SD-1

Submitted on: 4/9/2019 8:02:26 AM

Testimony for TRN on 4/10/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zachary LaPrade	Calypso Charters	Support	No

Comments:

HOUSE OR REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair
Rep. Troy N. Hashimoto, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, April 10, 2019
TIME: 10:30 A.M.
PLACE: Conference Room 423
State Capitol
415 South Beretania Street
MEASURE: **SCR133_SD1**

**TESTIMONY BY MALOLO CHARTERS IN STRONG SUPPORT TO
RESOLUTION “SCR133_SD1” RELATING TO HARBORS:**

Chair Aquino, Vice Chair Hashimoto & Members of the Committee:

If a resolution is all we can get, we will take it. The need for communication and a plan during difficult weather is absolutely necessary. **I have searched and been unable to find** a heavy weather and hurricane plan application procedure for vessels seeking safe refuge in a commercial harbor during abnormal weather conditions.

Frankly, in Maui, the plan is simply to tie-off to the docks in Kahului Harbor. Even that simple option ***was not*** available to small passenger vessels during Hurricane Lane. Also, even if hurricane plan guidelines were available, the process for submitting a plan was unclear during Hurricane Lane. The requirement came on short notice and there was no time to prepare a hurricane plan (assuming we knew where to find the plan requirements—which we didn’t).

To refresh, in August 24, 2018, Hurricane Lane, a deadly Category 4 Storm, was heading directly for Maui’s South shores. Vessels in the Maui fleet immediately began preparations to take safe refuge in Kahului Harbor on the North shore. However, on the eve of Hurricane Lane, the Department of Transportation denied vessels entry into Kahului Harbor, and sent Hawaii residents into dangerous offshore storm conditions.

In the past, if a hurricane was heading for Maui’s South shores, vessels moored on the South shore would travel around Maui to seek shelter in Kahului Harbor on the North shore. Kahului Harbor is on the leeward side of the island during a storm from the South. This same emergency protocol has been followed for 30 years. However, as stated above, DOT Harbors Maui District Manager ordered that no that “all vessels, regardless of size, that have not already received express permission by USCG and DOT-Harbors to remain in port, are hereby ordered to depart Kahului, Kaunapau and Kaunakakai Harbors....”

Maui has a large fleet of approximately 100 vessels permanently moored offshore. Our two main small boat harbors are Ma'alaea and Lahaina. During a storm, perhaps a dozen boats can take refuge in each harbor. That still leaves 75 boats with no harbor of safe refuge. The USCG wisely understands the danger of leaving its small craft in Ma'alaea and Lahaina Harbor during a storm from the South, and the USCG move their vessels to Kahului for safety.

These are just the stories from Maui, and we understand many other vessels were also ordered out of Honolulu Harbor.

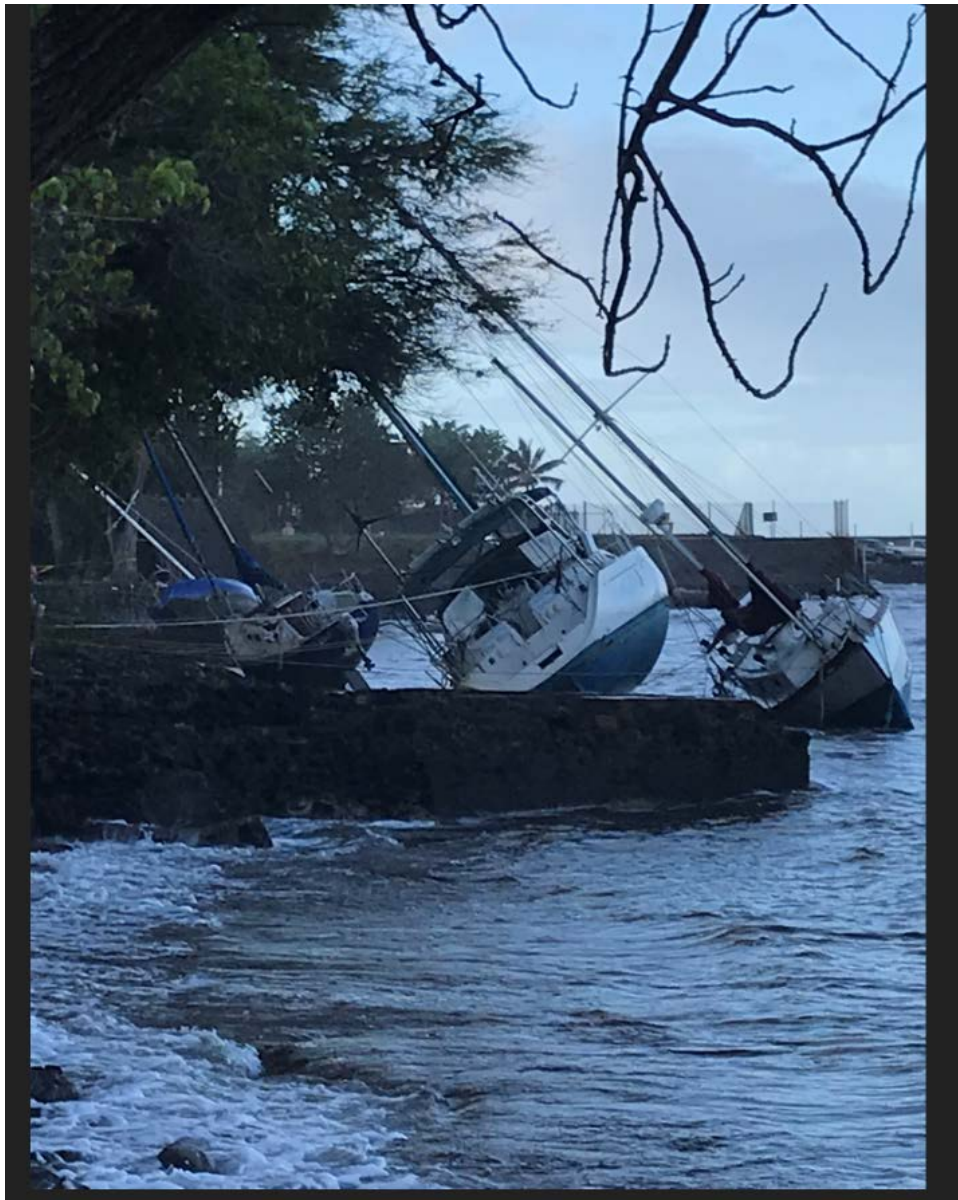
For the safety of the crewmembers and their family members, DOT Harbors should support the long-standing policy of making non-critical areas available for vessels under 200 tons during storm weather. Running offshore away from an approaching hurricane is a foolish plan. Vessels can be repaired or replaced, but the spouses and families of the crew will never be able to replace lives lost to a hurricane.

****Update**

On February 10, 2019, a strong storm hit Maui's west shores. Please see the attached image of the destruction a storm can cause to vessels that are unable to take safe refuge in a harbor on leeward shores.

Sincerely,

Phillip Kasper



SCR-133-SD-1

Submitted on: 4/9/2019 9:37:00 AM

Testimony for TRN on 4/10/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Strahn	Alii Nui Charters	Support	No

Comments:

We are in strong support to protect vessels during heavy weather.

Thanks,

Jeff Strahn

SCR-133-SD-1

Submitted on: 4/9/2019 9:54:16 AM

Testimony for TRN on 4/10/2019 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristie Wrigglesworth	PacWhale Eco Adventures	Support	Yes

Comments:

TESTIMONY OF PACWHALE ECO ADVENTURES IN STRONG SUPPORT OF SCR133 SD1 RELATING TO MARITIME HEAVY WEATHER ACCESS TO HARBORS

My name is Kristie Wrigglesworth, I am the acting Executive Director of PacWhale Eco Adventures. I represent 7 boating companies operating in Maui County and employing approximately 160 crew and captains.

Currently there is not enough space in Maui small boat harbors to protect all of our vessels during extreme weather conditins. Last year we requested for two vessels to take safe refuge in Kahului Harbor when there was a hurricane threat, but our request was denied. Because of this, our vessels were forced to be out on the open water putting our staff and property at risk. DOBOR has been helpful in allowing as many vessels as possible to take safe refuge in their small boat harbors, but they have limited space available. It is crucial that we be able to seek refuge in commercial harbors under the jurisdiction of the Department of Transportation, so we strongly support this Resolution to encourage DOT to establish a policy and procedures that protect Hawaii's passenger vessels when hurricanes and other extreme weather conditions threaten Hawaii.

Our vessels cannot withstand extreme weather outside a harbor and these types of conditions and storms do not allow time to bring the vessels to Oahu to pull it out of the water. We need to have another option. To force our vessels out in the open sea during extreme weather conditions will seriously jeopardize the safety of the vessles and create life threatening conditions for all the crew, and the United State Coast Guard that will have to respond to these dangerous situations.

Please pass this Resolution so that we can work on a solution to protect our crew and citizens during extreme weather conditions.

Respectfully,

Kristie Wrigglesworth

PacWhale Eco Adventures



To the Committee on Transportation of the Hawaii state House of Representatives,

Concerning SCR 133,SD1(SSCR1748), Meeting April 10, 2019 at 10:30.

9 April 9, 2019

Aloha Representatives of the Committee,

Atlantis Submarines Hawaii LLC operates eleven small passenger vessels out of Honolulu harbor and would like to show support for the passage of SCR 133,SD1. All of our vessels would not be appropriate to run from an approaching storm. The USCG certifications on our vessels do not allow us to operate at great distance from shore or a "Harbor of safe refuge."

In the event of an approaching storm it has been and will continue to be our plan to secure our vessels as best we can in Honolulu Harbor, our "Harbor of safe refuge" and then wait out the storm.

We would appreciate the ability to have our plan secured before any event is upon us. We then would not be added noise to the decisions being made by the Harbor as a storm approaches.

Mahalo for your consideration

A handwritten signature in black ink, appearing to read "Tim McKeague", written over a horizontal line.

Tim McKeague
Safety and Training Supervisor, Company Security Officer
Atlantis Submarines Hawaii LLC
Pier 27
Honolulu, Hawaii 96817
tmckeague@atlantisadventures.com

April 9, 2019

TO: COMMITTEE ON TRANSPORTATION
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

FROM: DAVID JUNG

RE: SCR133 SD1

Dear Sirs,

As you may know, just before Hurricane Lane approached Maui, Hawaii DOT Harbors decided not to allow any small vessels (under 200 tons) into Kahului Harbor. See Brian Perry's Maui News 8/24/18 article and Marcel Honore's Civil Beat 1/24/19 article.

Also, enclosed is the weather forecast on Tuesday, August 21 for Hurricane Lane. The storm was expected to affect Maui on Thursday, August 23.

All of Maui's small craft were denied use of Kahului Harbor. If the storm had continued on as forecast the loss of life and loss of our tour boat fleet would have been huge. Seeing the damage Cat 4 Michael did to Florida should remind all of us the danger of a major hurricane. Fortunately, the forecast was wrong and Lane turned away.

We have since lobbied for the legislature to require DOT Harbors to provide emergency mooring in **NON-ESSENTIAL AREAS** in our commercial harbors. Thankfully, Senator Loraine Inouye has introduced Senate Bill 1505 to require DOT to provide a harbor of safe refuge. (Copy enclosed)

This is a very simple bill that protects the life and property of Hawaii's citizens who work on the water. DOT does not want that responsibility but it is a morally essential responsibility they can not be allowed to escape.

Senate Bill 1505 is a long way from passing the legislature and the public needs to be aware of its importance. We have just had a fairly minor storm but 10 small craft washed up on Maui's beaches. Our small boat harbors were full and these boats had no where to go.

DOT Harbors is supposed to serve the citizens of Hawaii. State agencies that operate for their own convenience ahead of public safety need to be made responsible to Hawaii's citizens. Preservation of life and property should be the first priority of our government agencies.

Yours Truly,

David H. Jung



Lane Intensifies to Dangerous Category 5 Hurricane, 160 mph Winds

August 21, 2018, 12:01 AM HST · Updated August 21, 11:32 PM

Wendy Osher ·

76 Comments

15K people recommend this. Sign Up to see what your friends recommend.

8/21/18

Text Size: A A A

MAUI

By Wendy Osher

MAUI

(/)

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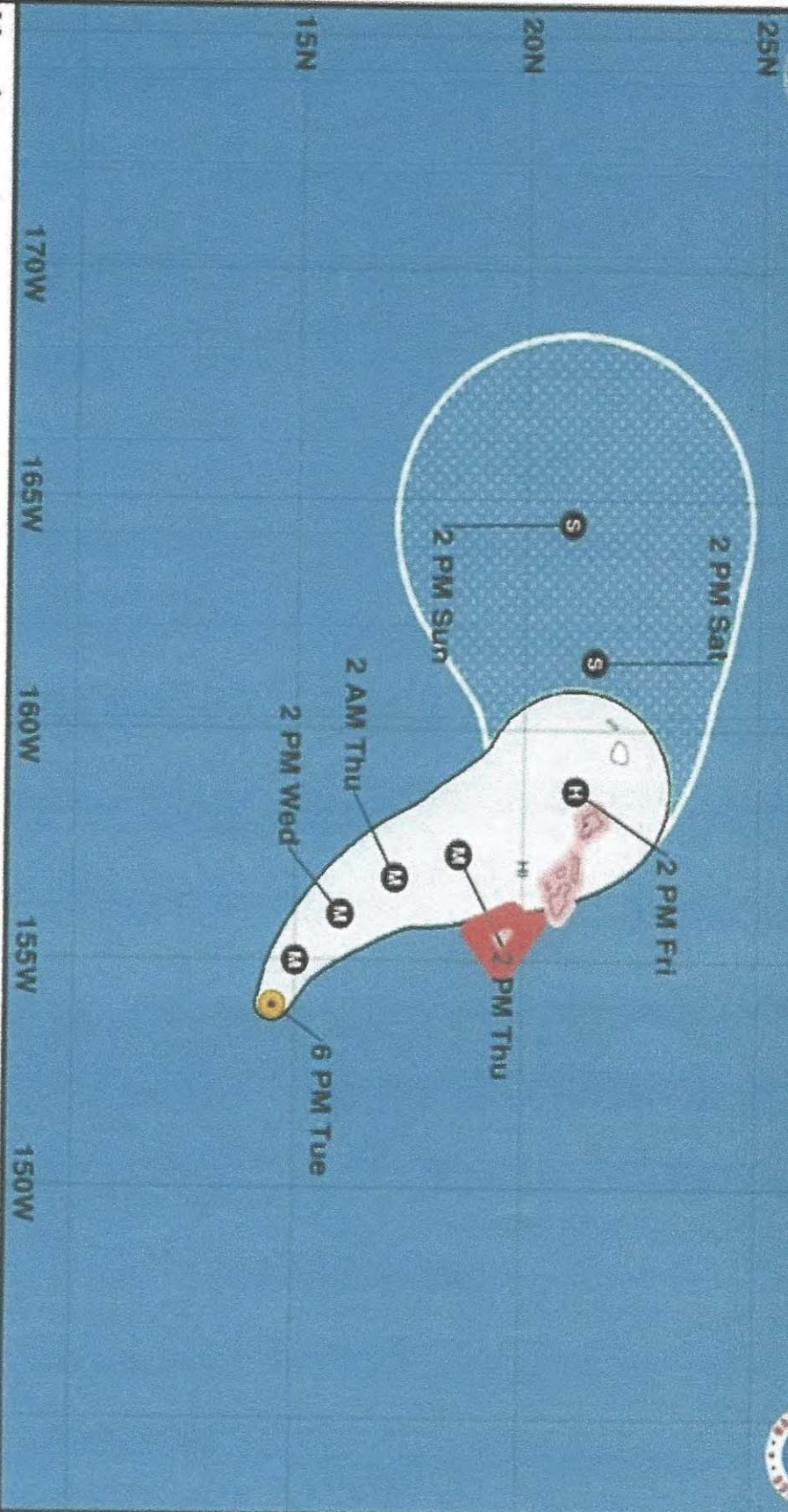
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Note: The cone contains the probable path of the storm center but does not show the size of the storm. Hazardous conditions can occur outside of the cone.



Hurricane Lane
Tuesday August 21, 2018
6 PM HST Advisory 30
NWS Central Pacific Hurricane Center

Current information: ● Center location 14.5 N 154.0 W
Maximum sustained wind 160 mph
Movement WNW at 9 mph

Forecast positions: ● Tropical Cyclone ○ Post/Potential TC
Sustained winds: D < 39 mph
S 39-73 mph H 74-110 mph M > 110 mph

Potential track area: Day 1-3 Day 4-5

Watches: Hurricane Trop Storm

Warnings: Hurricane Trop Storm

TPA32 PHFO 211443
PCPCP2

BULLETIN

Hurricane Lane Advisory Number 27
NWS Central Pacific Hurricane Center Honolulu HI EP142018
500 AM HST Tue Aug 21 2018

Aug 21st

...MAJOR HURRICANE LANE STILL MOVING WEST BUT EXPECTED TO MAKE A
TURN TOWARD THE HAWAIIAN ISLANDS LATER THIS WEEK...
...HURRICANE WATCH ISSUED FOR HAWAII AND MAUI COUNTIES...

SUMMARY OF 500 AM HST...1500 UTC...INFORMATION

LOCATION...14.1N 152.3W
ABOUT 450 MI...725 KM SSE OF KAILUA-KONA HAWAII
ABOUT 620 MI...995 KM SE OF HONOLULU HAWAII
MAXIMUM SUSTAINED WINDS...150 MPH...240 KM/H
PRESENT MOVEMENT...W OR 275 DEGREES AT 12 MPH...19 KM/H
MINIMUM CENTRAL PRESSURE...950 MB...28.06 INCHES

WATCHES AND WARNINGS

CHANGES WITH THIS ADVISORY:

A Hurricane Watch has been issued for Hawaii county and Maui
County.

SUMMARY OF WATCHES AND WARNINGS IN EFFECT:

A Hurricane Watch is in effect for...
Maui County...including the islands of Maui, Lanai, Molokai and
Kahoolawe
Hawaii County

A Hurricane Watch means that hurricane conditions are possible
within the watch area. A watch is typically issued 48 hours before
the anticipated first occurrence of tropical-storm-force winds,
conditions that make outside preparations difficult or dangerous.

Interests elsewhere in the main Hawaiian Islands, and across the
Northwestern Hawaiian Islands, should continue to closely monitor
the progress of Hurricane Lane. Additional Tropical Storm or
Hurricane Watches will likely be issued later today or tonight.

For storm information specific to your area, please monitor
products issued by the National Weather Service office in
Honolulu Hawaii.

DISCUSSION AND OUTLOOK

At 500 AM HST (1500 UTC), the eye of Hurricane Lane was located
by satellite near latitude 14.1 North, longitude 152.3 West. Lane is
moving toward the west near 12 mph (19 km/h) and this motion is
expected to continue through tonight, with a slight decrease in
forward speed. A turn toward the northwest is expected Wednesday
into Thursday. On the forecast track, the center of Lane will pass
close to Hawaii and Maui counties on Thursday.

Maximum sustained winds are near 150 mph (240 km/h) with higher
gusts. Lane is a category 4 hurricane on the Saffir-Simpson
Hurricane Wind Scale. Slight weakening is expected the next couple
of days, but Lane is forecast to remain a dangerous hurricane as it

raws closer to the Hawaiian Islands.

Hurricane-force winds extend outward up to 40 miles (65 km) from the center and tropical-storm-force winds extend outward up to 140 miles (220 km).

very
important

he estimated minimum central pressure is 950 mb (28.06 inches).

HAZARDS AFFECTING LAND

IND: Hurricane conditions are possible within the Hurricane Watch area on Thursday.

AINFALL: Excessive rainfall associated with Lane is expected to affect portions of the Hawaiian Islands from Wednesday into the weekend, leading to flash flooding and landslides. Lane is expected to produce total rain accumulations of 10 to 15 inches with isolated maximum amounts of 20 inches over the Hawaiian Islands.

URF: Large swells generated by Lane will impact the Hawaiian Islands this week. These swells will produce large and potentially damaging surf along exposed south and west facing shorelines.

TEXT ADVISORY

Text intermediate advisory at 800 AM HST.
Text complete advisory at 1100 AM HST.

\$
Forecaster Birchard

The Maui News

County ports closed as Hurricane Lane approaches

Some commercial passenger vessel operators cry foul



Boats are anchored off Lahaina Small Boat Harbor on Thursday afternoon. Some small boat owners are not happy that they cannot seek refuge from Hurricane Lane in Kahului Harbor. The Maui News / CHRIS SUGIDONO photo

With Hurricane Lane approaching Maui County, oceangoing vessels have been ordered out of Kahului, Kaunapali and Kaunakakai harbors to safeguard the state's "critical lifelines," according to a harbormaster notice issued this week.

"Upon the direction of the United States Coast Guard and State of Hawaii, vessels must leave our harbors so we can properly protect our piers and ensure vessels have a safe port to which they can return and begin to supply our state as quickly as possible following a heavy weather event," says the notice signed Tuesday by Maui District Harbors Manager and Harbormaster Duane Kim.

"Every resident and visitor relies on our harbors to deliver essential supplies, with Kahului, Kaunapali and Kaunakakai harbors being our only commercial ports for each island on Maui, Lanai and Molokai, respectively," the notice says. "In order to protect our most crucial asset, our ports, it is incumbent upon each harbor user to do their part in protecting our infrastructure."

Failure to comply with the harbor closure could result in fines and penalties.

The U.S. Coast Guard wants vessels larger than 200 gross tons to ride out the storm at sea, concerned about damage and pollution if such a large vessel in a *"worst case"* sinks in a protected harbor and prevents other vessels from coming in and out, said Coast Guard Petty Officer 3rd Class Amanda Levasseur on Thursday afternoon. Smaller vessels come under the authority of the state Department of Transportation, she said.

But the closure has some commercial boat operators crying foul, saying the notice gave them only a couple of days' warning and they're being left to fend for themselves in open water or at Maalaea or Lahaina small-boat harbors. Those facilities are *"very vulnerable"* to the wave surge expected when Lane passes by, they said.

One of the commercial boat operators is Phillip Kasper, who owns the Quicksilver, a 55-foot, double-decker aluminum catamaran. The vessel is certified for 149 passengers and a crew of eight. It takes passengers out on dinner cruises and snorkel tours of Lanai, Kasper said.

The Quicksilver is normally berthed at Lahaina Harbor, but it's crowded and deemed unsafe for the massive swells expected from Hurricane Lane, he said.

Not long ago, *"boats were thrown up on a loading dock . . . and that was just from a big south swell,"* Kasper said. Lane was forecast to generate 20-foot swells.

When he was denied entrance to Kahului Harbor, Kasper had the Quicksilver taken to Maalaea Harbor, which is safer than Lahaina, he said, but still vulnerable.

After speaking with other commercial boat operators, Kasper estimated there were 10 to 20 other commercial boats that wanted the safety of Kahului Harbor but were turned down, including vessels with Lahaina Cruise Co. and the Pacific Whale Foundation.

Kasper said that, in the past, Kahului Harbor was *"always open"* for refuge from a storm or hurricane. He said he brought his boat there for safe harbor during Hurricane Iniki in September 1992.

Coast Guard vessels from Maalaea were allowed to move to Kahului Harbor this week, he said.

The state's move to block commercial boat refuge in Kahului Harbor came abruptly, he said, without giving operators a chance to make arrangements for safe harbor on another island and without allowing them input on the decision.

He said he found it *"cynical and unconscionable for government agencies to behave this way."*

Kahului Harbor is large enough to handle other boats without interfering with commercial trade traffic, Kasper said.

Instead, the harbor is *"100 percent closed,"* he said. *"It's outrageous in my opinion."*

Kim told The Maui News early Thursday afternoon that the *"whole port is closed"* at Kahului.

Kahului Harbor was open during earlier storms because it had calm waters, he said. But, with *"this particular storm,"* there's a forecast of tropical storm-force and possibly hurricane-force winds.

And, with such a storm, the risk of damage to harbor facilities is too high, he said. *"We cannot take that chance."*

Toni Marie Davis, executive director of the Activities & Attractions Association of Hawaii, which represents commercial boat operators among other businesses, said there's not a very clear procedure how to transfer vessels from a small-boat harbor managed by the state Department of Land and Natural Resources to a Department of Transportation harbor.

"I'm hoping that, once the storm is over, there can be some kind of discussion about a procedure," she said.

She said she believed a *"nonsensitive area"* could be found at Kahului Harbor to shelter commercial passenger vessels from the storm without risking damage or interference with areas of the harbor used by Matson and Young Brothers.

In the case of Hurricane Lane, Kahului Harbor would be in the lee of the storm and thus a *"much safer harbor"* than Maalaea or Lahaina, she said.

"There's a real threat that storm surge and high tide will damage boats," she said. But, as of Thursday afternoon, *"there's not enough time to make it right."*

Hawaii

As Hurricane Lane Approached, Some Boats Had Nowhere To Escape

Tour boat operators say they were “blindsided” when state harbor officials barred them from taking shelter in commercial ports — a change from years past.

By Marcel Honore    / January 24, 2019

 Reading time: 5 minutes.

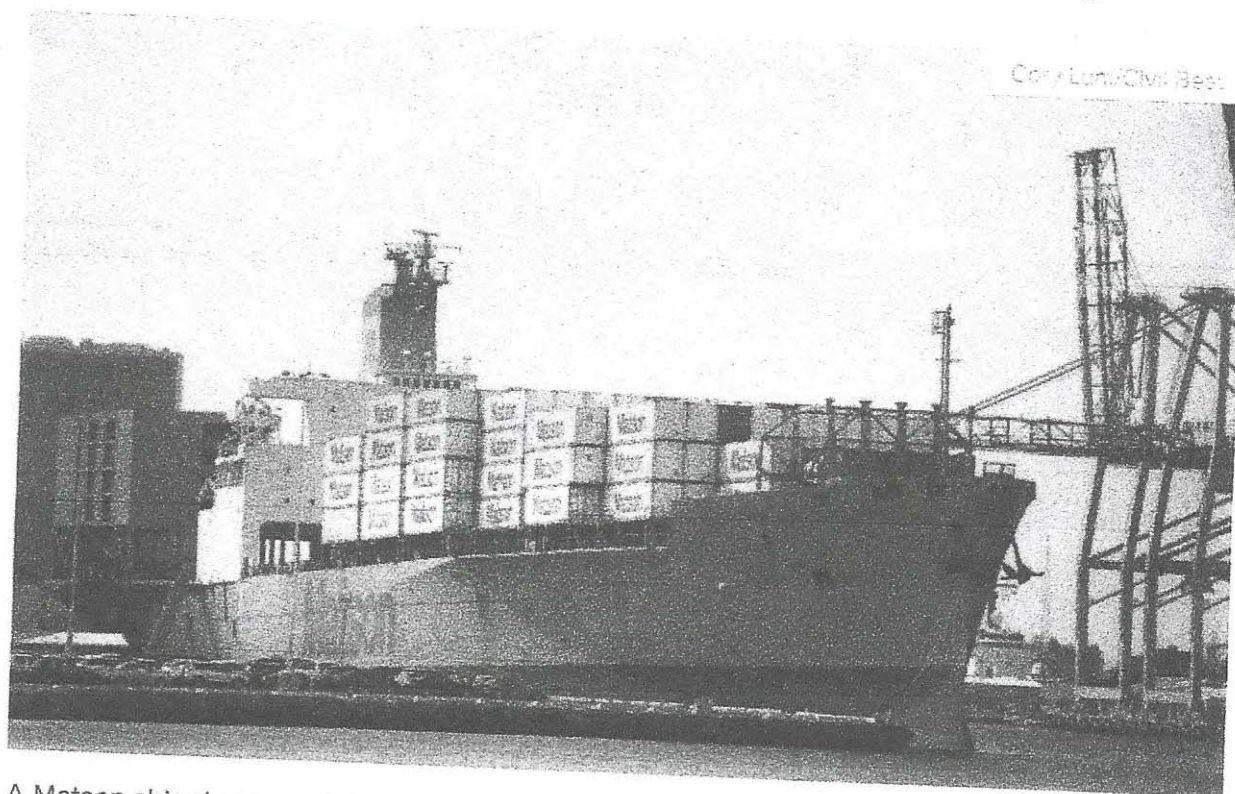


In August, as Hurricane Lane neared the Hawaiian Islands, cargo ships and other large vessels weighing 200 tons or more left the state’s commercial harbors and headed out to sea for safety.

But many smaller vessels incapable of outrunning and outlasting the storm were left in the lurch when state harbor officials barred them from seeking shelter in those same commercial harbors, operators testified at the Capitol on Wednesday.

Furthermore, any small vessels in the harbor without express permission to stay were ordered to leave with Lane's arrival imminent, they said.

"We were blindsided by this last-minute change in harbor policy that none of us were prepared for," David Jung, captain for the Lahaina Cruse Company, told Senate lawmakers during an informational briefing.



A Matson shipping vessel docks in Honolulu Harbor, the state's largest commercial port.

Jung, along with other tour-boat operators on Maui, had hoped to seek shelter for their fleets in the commercial port at Kahului once the forecasts showed Lane poised to batter the small-boat harbors where they're moored and docked in Lahaina and Maalaea.

In years prior, Jung and other operators testified, the smaller vessels that weren't subject to a Coast Guard order to leave could seek shelter there whenever storms would threaten.

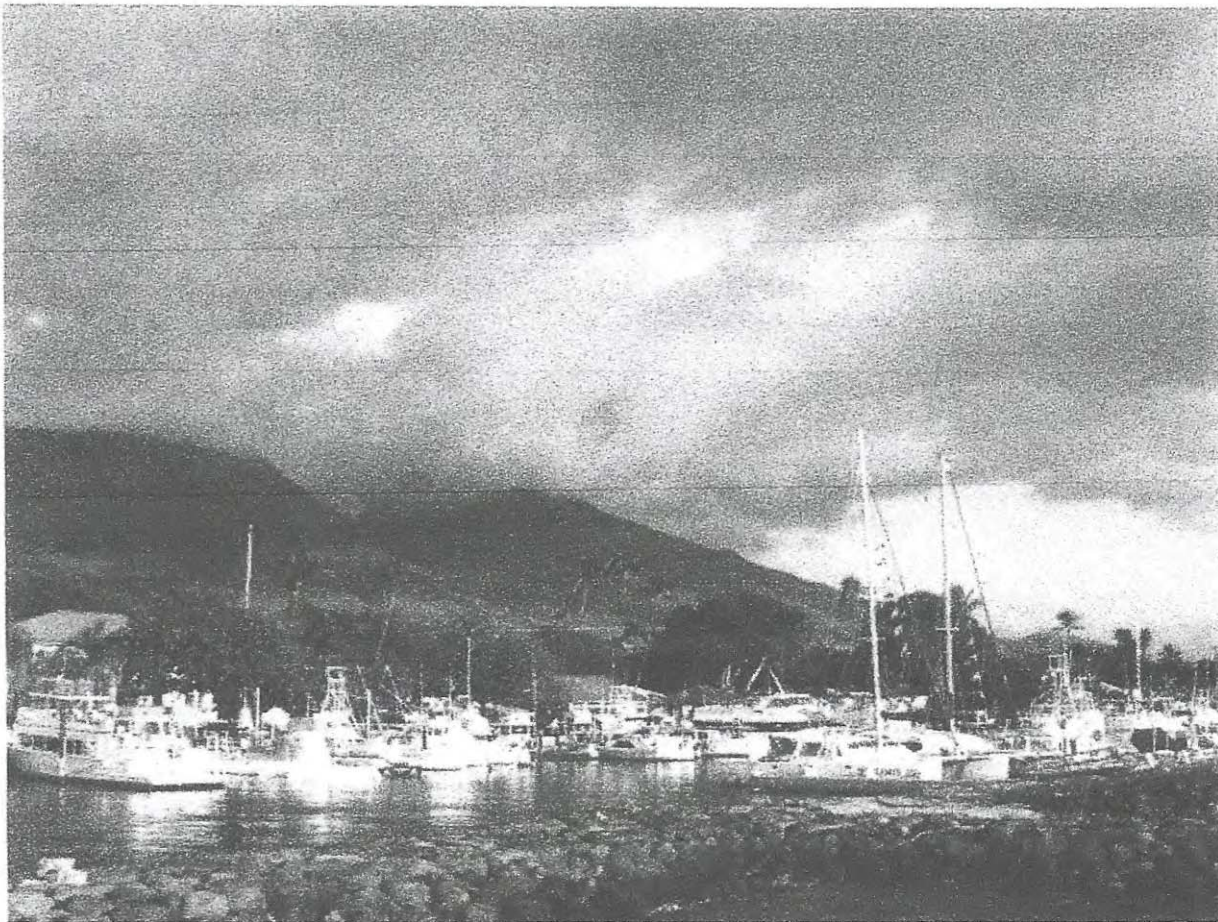
“Really our only hope was to moor in commercial harbors because they’re built to much, much higher standards,” Jung said Wednesday. “If the hurricane had followed that path we would’ve been in serious, serious desperate trouble.”

Commercial passenger and fishing boats such as Jung’s aren’t as big as the massive cargo ships operated by Matson and Pasha — but they’re not as small as most recreational sail boats, either. Those weren’t subject to the Coast Guard’s order to leave commercial harbors during Lane because they weigh less than 200 tons. Instead, under the state’s hurricane protocols, it’s left up to the state Department of Transportation’s Harbors Division in those situations to decide whether they stay or go.

DOT Harbors Division officials testified at Wednesday’s hearing, but they didn’t respond directly to the concerns raised by Jung and other operators of smaller vessels. After the meeting, DOT spokesman Tim Sakahara said that in the run-up to Lane, the agency wanted to avoid doing anything that might prevent the flow of emergency goods.

Any vessels already moored in the harbor had to provide the state agency with a plan of what they would do — and where else they would go — if a major storm struck, Sakahara added.

“It might’ve been allowed in the past” for smaller operators to seek shelter in commercial ports, Sakahara said, although it’s not clear what spurred the change. Sakahara said that DOT did give some advance warning of the agency’s policy ahead of the 2018 hurricane season.



Lahaina's small-boat harbor was not where vessel operators wanted to be if the hurricane hit.

Nonetheless, Jung contends that smaller craft could moor and dock in nonessential areas there without damaging or disrupting the flow of operations. On Wednesday, he said that about 20 operators on Maui had requested to move to Kahului ahead of Lane and that news quickly spread among other operators when DOT denied them access.

Contact Roy Lorraine

Senate Transportation Chair
Lorraine Inouye
seninouye@capitol.hawaii.gov
808-586-7335

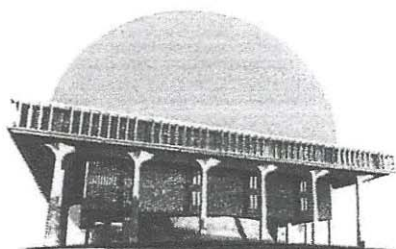
Senate Transportation Vice

With dock space at a premium, Maui has some 100 vessels that moor offshore at its small-boat harbors, Zachary LaPrade, a member of the Honolulu-based Ocean Tourism Coalition, told lawmakers

Chair Breene Harimoto

senharimoto@capitol.hawaii.gov

808-586-6230



Wednesday. In a storm, there's room for maybe 25 boats to squeeze into the harbor, leaving some 75 boats vulnerable offshore.

Wednesday's hearing also raised the larger question of where the 2,000 or so boats docked at the small-boat harbors across the state would go in the event of a major hurricane strike.

"On the mainland, you have different harbors to run to — you can go to the next state," Jung said afterwards. "Where do you go when you're in Hawaii? There is not an option."

Unlike larger cargo ships, most of these smaller commercial vessels aren't capable of outrunning a hurricane in the deep ocean, Jung said.

Furthermore, they lack the fuel and supplies to stay out that far and then return. Without a chance to take cover in the commercial harbor, those operators would likely see their vessels destroyed, he said.

"I think there's a lot of people who would've tried to save their boats and they would have lost their lives," Jung said. "Because it's their livelihood. That's how they support themselves;



Sen. Lorraine Inouye at a Legislative hearing in 2017.

that's how they support their families."

Sen. Lorraine Inouye, who chairs the Senate's Transportation Committee, said that lawmakers would continue to discuss the issue in the weeks ahead.

"We have some work cut out for us," she said at Wednesday's hearing. She and her colleagues could consider whether to amend state law — and DOT's policy on sheltering smaller commercial boats during a tropical cyclone.

The issue could take several years to fix, she said.

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About the Author

Marcel Honore   

LATE

Testimony of Ku'uhaku Park
On Behalf of Matson
Comments on SCR133, SD1
Before the Committee on Transportation
April 10, 2019

Dear Chair Aquino, Vice Chair Hashimoto, and Members of the Committee,

Matson provides comments on SCR133, SD1, which requests the Harbors Division of the Department of Transportation to inform the maritime community of the procedures to be taken in preparation of a storm and assist the maritime community with submitting their application for a maritime heavy weather and hurricane plan.

Matson is concerned for the safety of all vessels during a hurricane or maritime heavy weather event. We strongly support efforts to ensure that our commercial ports remain open before, during, and after storms, including evacuation of all commercial harbors of vessels capable of sailing away from storm conditions to protect the safety and health of the crew and removing and securing all cargo and containers in our yards to minimize and prevent the hazards caused by flying debris.

Almost all of the State's goods come in through the State's commercial harbors. During a hurricane or weather event when commercial harbors are closed, Matson positions its vessels such that containers can be offloaded as soon as possible after the commercial ports reopen.

Matson is concerned for the safety of small vessels and has no opposition to small vessels remaining in our neighbor island ports. We have strong concerns about allowing small vessels to remain in Honolulu Harbor. If a small vessel were to sink or sustain severe damage during a hurricane, it would cause further delays in the offloading of our vessels. The impacts could last well beyond the hurricane's passing and could lead to statewide shortages of goods. The adverse effects of shipping delays are compounded because residents usually stock up on hurricane supplies right before a storm, which means that shelves are empty. Our commercial harbors must be ready for vessels to enter as soon as a hurricane passes.

Matson remains committed to ensuring the safety of our commercial harbors and providing goods on a timely basis to the State of Hawaii. Thank you for your consideration of our comments.



**Passenger Vessel
Association**

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LATE

April 10, 2019

The Honorable Henry J.C. Aquino
Chair, Committee on Transportation
Hawaii House of Representatives
State Capitol
Honolulu, HI

Dear Chairman Aquino, Vice Chairman Hashimoto, and members of the House Committee on Transportation:

The Passenger Vessel Association (PVA) – the national trade association representing owners and operators of U.S.-flagged passenger vessels of all types – urges your attention to the problem of addressing the proper emergency protocol and procedures for Hawaii's harbors and harbor users should potential disasters threaten the State. PA is especially concerning about the protection of commercial passenger vessels when hurricanes and tropical storms strike.

PVA wishes to express its support for action on proposed SCR 133/SD 1 (as passed by the Senate on April 4) requesting the Harbors Division of the Department of Transportation to inform the maritime community about its heavy weather and hurricane plan, to make every effort to assist the maritime community in fulfilling the necessary procedures to submit a complete application for a heavy weather and hurricane plan, and to conduct informational hearings with the maritime community on the islands of Kauai, Maui, Oahu, and Hawaii.

PVA's membership includes 22 companies operating passenger vessels in Hawaii. We are concerned about the policy change that was abruptly put in place last year that appears to preclude our members from seeking refuge in commercial harbors under the jurisdiction of the Department of Transportation.

There may be some confusion as to what is U.S. Coast Guard policy regarding vessels remaining in commercial harbors during severe weather. It is accurate that vessels 200 gross tons and over will be required to leave commercial harbors unless the owner/operator receives approval to remain in port from both the Coast Guard and state transportation officials. However, the Coast Guard has no policy requiring vessels under 200 gross tons (such as those operated by PVA members in Hawaii) to leave commercial harbors; it is solely up to state

transportation officials to set this policy, which is why enactment of SCR 133/SD 1 is needed.

PVA urges your committee to act favorably on SCR 133/SD 1. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Lawler Jr.", written in black ink.

Robert J. Lawler Jr.
President - 2019

Vessel Members in Hawaii

Passenger Vessel Association

Atlantis Submarines Hawaii LLC, Honolulu
Blue Dolphin Cruises, Ele'ele
Captain Andy's Sailing Adventures, Ele'ele
Fair Wind, Inc., Kailua-Kona
Holo Holo Charters, Inc., Ele'ele
Hone Heke Corporations (*dba* Expeditions), Lahaina
Island Star Excursions, Kula
Kanoa, Inc. (*dba* Body Glove Cruises), Kailua-Kona
Kona Sunrise Charters, Inc., Kailua-Kona
Makena Classic Charters, Wailea
Maui Classic Charters, Kihei
Mid Pacific of Hawaii, Kaneohe
NaPali Sea Tours, Inc., Ele'ele
Ocean Joy Cruises, Kapolei
Pacific Whale Foundation, Wailuku
Pier 36 LLC, Honolulu
Pride of Maui, Wailuku
Quicksilver Charters, Lahaina
Star of Honolulu Cruises and Events, Honolulu
The Lahaina Cruise Company, Lahaina
Trilogy Excursions, Lahaina
Whitey Boat Cruises (*dba* Na Pali Catamarans), Kilauea